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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,117	11/25/2003	Dominic Bennett	CLAR 1067-1	6145
69849 7590 10/02/2009 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP 990 Marsh Road Menlo Park, CA 94025				
EXAMINER ALVAREZ, RAQUEL				
ART UNIT 3688		PAPER NUMBER		
MAIL DATE 10/02/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/721,117

**Applicant(s)**

BENNETT ET AL.

**Examiner**

Raquel Alvarez

**Art Unit**

3688

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 4/9/09

**DETAILED ACTION**

1. This office action is response to communication filed on 8/25/2009.
2. Claims 1 and 3-20 are presented for examination.

**Claim Rejections - 35 USC § 101**

3. Claims 1 and 13 are rejected under 35 USC 101 because the establishing step is not central to the purpose of the method, therefore is insignificant extra-solution activity. Applicant is advised to insert a computer in the creating step to overcome this rejection.

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haitsuka et al. (6,847,992 hereinafter Haitsuka) in view of Gatto (7,539,637 hereinafter Gatto).

With respect to claim 1, Haitsuka further teaches a method of analyzing Online advertising information (Abstract). Receiving consumer data from client computers (see Figure 7, 720); create a database based on the consumer data wherein the database comprises a plurality of hierarchy tables configured to store at least some of the consumer data, each hierarchy table comprises at least one fact associated with at least one dimension (Figure 7, 720 and col. 18, lines 20-24); receiving user selected values

from a front end, the front end having a selection area with user selectable values that change depending on an initially selected value (i.e. sponsor define certain criteria so therefore the relevant (value) records change according to the sponsor defined criteria)(Figure 8, 820); extracting data from the database based on the user selected values (Figure 8, 835).

With respect to the newly amended feature of receiving alert conditions from a user using the front end, the alert conditions comprising dimensions and facts and alerting the user when the consumer data meets the alert conditions. Gatto teaches a user defining alert conditions and parameters to enable the system to inform the user of the occurrence of events and condition. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Gatto of receiving alert conditions from a user using the front end, the alert conditions comprising dimensions and facts and alerting the user when the consumer data meets the alert conditions because such a modification would allow the users the choice and flexibility of when to receive the consumer's data.

With respect to claim 3, Haitzuka further teaches the consumer data further comprise a number of impression of an advertisement (Figure 6 , 620).

With respect to claim 4, Haitzuka further teaches that the consumer data further comprise a number of click on an advertisement (Figure 6, 720).

With respect to claims 13-15, 17 and 20 Haitsuka teaches receiving a plurality of selected dimensions of a database from a front end user, the front end having selection areas that are driven by tables at the database (i.e. the sponsor identify relevant criteria and records of information they want to receive)(Figure 18, 820 and col. 18, lines 20-24); extracting data from the hierarchy table to generate extracted data (Figure 8, 835); filtering the extracted data using filter parameters received from the front end to generate filtered data; and providing the filtered data to a client computer running the front end as a report (figure 8, 835 and col. 18, lines 20-24).

With respect to the newly amended feature of receiving alert conditions from a user using the front end, the alert conditions comprising dimensions and facts and alerting the user when the consumer data meets the alert conditions. Gatto teaches a user defining alert conditions and parameters to enable the system to inform the user of the occurrence of events and condition. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Gatto of receiving alert conditions from a user using the front end, the alert conditions comprising dimensions and facts and alerting the user when the consumer data meets the alert conditions because such a modification would allow the users the choice and flexibility of when to receive the consumer's data.

Claims 16 and 18-19 are rejected under same rationale as claims 2-3 and 11-12 rejected above.

Claim 5 further recites the database comprises Analytical Processing Database (OLAP). Official Notice is taken that it is old and well known to use Analytical Processing Database to summarize views of business data and is used for reporting, analysis, modeling. It would have been obvious in the system of Haitsuka to use Analytical Processing Database (OLAP) in order to provide a quick way of slicing and dicing the data.

With respect to claim 6, Haitsuka further teaches a first selection area for selecting a first set of values (i.e. sponsor define certain criteria so therefore the relevant (value) records change according to the sponsor defined criteria)(Figure 8, 820). With respect to a second area for selecting a second value from a second set of values, the second set of values being automatically provided by the front end in the second selection area based on the first value, wherein the first and second values refer to values stored in a database. Haitsuka doesn't teach a second set of values being automatically provided based on the first value. Official Notice is taken that it is old and well known that based on the user entry to automatically provide a second set of values. For example, when a user enters that he or she wants to listen to 3 minutes of advertisements or the like, the system automatically retrieve from the database a list of ads that are for 3 minutes or less from which the user would make a second selection from in order to comply with the user request. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a second area for selecting a second value from a second set of values, the second set of values

being automatically provided by the front end in the second selection area based on the first value, wherein the first and second values refer to values stored in a database in order to achieve the above mentioned advantage.

Claims 7-9 are rejected under same rationale as claim 5 rejected above.

With respect to claim 10, Haitsuka further teaches consumer data collected by a client program in a client computer (Figure 7, 720).

With respect to claims 11-12 are rejected under same rationale as claims 3-4 rejected above.

**Response to Arguments**

6. Applicant's arguments filed 8/25/2009 have been fully considered but they are not persuasive.
7. Applicant argues that Haitsuka doesn't teach the terms "relevancy, hierarchy and importance" The Examiner disagrees with Applicant because Haitsuka teaches on col. 18, lines 14-17, **"a file that includes a collection of each of the relevant click-through"** As can be seen by Haitsuka above, the information is stored in a file (database) as tables and the file/ database includes each of the relevant click-throughs (hierarchy, order, importance, etc).

8. Applicant argues that Haitsuka doesn't teach receiving consumer data from the client computers. The Examiner disagrees with Applicant because Haitsuka teaches the user's click-throughs is the consumer's data received from user's computer.

9. Applicant argues that Haitsuka doesn't teach receiving user selected values from a front end or interface displaying a selection area that change depending on an initially selected value. The Examiner disagrees with Applicant because the claim calls for a "user" the user is assumed to be an entity different from the claimed "consumer" of lines 3 and 5 of claim 1 and therefore the Examiner is construing the "user" to be the OSP server selecting different sorting/values criteria in order to identify the records that are relevant depending on the value or criteria searched. The value is the sorting criteria selected to be searched in the file or database.

10. Applicant argues that Haitsuka doesn't teach the hierarchy table with all the selected dimensions, the Examiner disagrees with Applicant because as stated above, Haitsuka teaches hierarchy tables and as far as showing all the dimensions. Dimensions merely means a particular quality or character and is taught by Haitsuka collection of click-throughs data.

11. Applicant argues that Haitsuka doesn't teach a number of impressions of an advertisement. The Examiner disagrees with Applicant because in Haitsuka step 620 the client clicks/selects advertisement and receives an impression/appearances/display of the advertisements selected. The times that the user selects or the number of times that the advertisement is displayed/selected/presented to the user is recorded.



12. With respect to Applicant's arguments pertaining to the newly amended feature of receiving alert conditions from a user using the front end, the alert conditions comprising dimensions and facts and alerting the user when the consumer data meets the alert conditions, the arguments are moot new grounds of rejection.

13. With respect to the official notices taken, the Examiner has provided examples of the well known facts and Appellant hasn't provided a proper challenge that would at least cast reasonable doubt that the known facts weren't known prior to Applicant's invention. See MPEP 2144.03.

**Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Weinhardt can be reached on (571)272-6633. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

Raquel Alvarez  
Primary Examiner  
Art Unit 3688

R.A.  
9/29/2009